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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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6 Oracle International Corp., a California  
7 corporation; and Oracle America, Inc., a  
8 Delaware corporation,

9 Plaintiffs,

10 v.

11 Rimini Street, Inc., a Nevada corporation; and  
12 Seth Ravin, an individual,

13 Defendants.

14 And related counterclaims.

Case No. 2:14-cv-01699-MMD-DJA

**Order**

15 Before the Court is Plaintiffs' motion to seal portions of its motion for attorneys' fees and  
16 documents supporting that motion. (ECF No. 1567). Plaintiffs explain that they are seeking to  
17 redact portions of these documents that refer to their counsel and vendors' billing rates. Plaintiffs  
18 assert that these documents contain sensitive, case-specific pricing information which would  
19 create a risk of competitive injury if released.

20 Plaintiffs also explain that they seek to seal Exhibits 5-6 to the declaration of Benjamin  
21 Smith (ECF Nos. 1569-3, 1569-4) and Exhibit 3 to the deposition of Richard Pocker (ECF No.  
22 1571-3) because those documents contain information relating to depositions of third-party  
23 witnesses in this case and service of process of third-party subpoenas to Rimini Street, Inc.'s  
24 customers as part of this litigation. Because the customers are identified by name and because  
25 Rimini has repeatedly designated its customer lists as "Highly Confidential – Attorneys' Eyes  
26 Only," Plaintiffs seek to file these exhibits under seal. But Plaintiffs explain that they "are not in  
27 a position to provide further justification for why filing the document publicly would cause harm  
28 sufficient to justify sealing." Defendants did not respond to Plaintiff's motion.

1 A party seeking to file a confidential document under seal must file a motion to seal and  
2 must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*,  
3 447 F.3d 1172 (9th Cir. 2006) and *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092  
4 (9th Cir. 2016). A party seeking to seal judicial records attached to motions more than  
5 tangentially related to the merits of the case must meet the "compelling reasons" standard. *See*  
6 *Kamakana*, 447 F.3d at 1183; *Ctr. for Auto Safety*, 809 F.3d at 1101. For records attached to  
7 motions not more than tangentially related to the merits of the case, the "good cause" standard  
8 applies. *See Ctr. for Auto Safety*, 809 F.3d 1095, 1101. That a party has designated a document  
9 as confidential under a protective order does not, standing alone, establish sufficient grounds to  
10 seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133, 1138  
11 (9th Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

12 Here, as a preliminary matter, the Court finds that the good cause standard applies because  
13 the information Plaintiffs seek to seal is only tangentially related to the merits of the case. The  
14 Court finds that Plaintiffs have provided good cause to seal the documents that refer to their  
15 counsel and vendors' billing rates. However, because Rimini has not responded to the motion  
16 and provided its own reasoning for sealing the names of its customers in this context, the Court  
17 does not find that Rimini has provided good cause to seal Exhibits 5-6 to the declaration of  
18 Benjamin Smith (ECF Nos. 1569-3, 1569-4) and Exhibit 3 to the deposition of Richard Pocker  
19 (ECF No. 1571-3). The Court will nonetheless retain the documents under seal and will give  
20 Rimini thirty days to file a declaration in support of sealing the documents. If Rimini does not  
21 file a declaration supporting maintaining these documents under seal within that time, the Court  
22 will order the documents unsealed.

23  
24 **IT IS THEREFORE ORDERED** that Plaintiff's motion to seal (ECF No. 1567) is  
25 **granted in part and denied in part.** It is denied in part regarding Exhibits 5-6 to the declaration  
26 of Benjamin Smith (ECF Nos. 1569-3, 1569-4) and Exhibit 3 to the deposition of Richard Pocker  
27 (ECF No. 1571-3). It is granted in all other respects.  
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1           **IT IS FURTHER ORDERED** that Rimini shall have until **December 22, 2023** to file a  
2 declaration in support of maintaining Exhibits 5-6 to the declaration of Benjamin Smith (ECF  
3 Nos. 1569-3, 1569-4) and Exhibit 3 to the deposition of Richard Pocker (ECF No. 1571-3) under  
4 seal. These documents shall remain under seal for now. If Rimini does not file a declaration  
5 supporting maintaining the documents under seal within that time, the Court will order the  
6 documents unsealed.

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8           DATED: November 22, 2023



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DANIEL J. ALBRECCHTS  
UNITED STATES MAGISTRATE JUDGE